

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 2202 of 2007(K)

PETITIONER:

P.K.MANOCHARAN, AGED 49 YRS.,
S/O.P.V.BALAKRISHNAN NAIR, RAJESWARI BHAVAN,
AZHIKODE, KANNUR.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU
SMT.C.S.RAJANI

RESPONDENTS:

1. THE STATE OF KERALA, REP. BY THE
ADDITIONAL COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.
2. THE ASSISTANT EXCISE COMMISSIONER,
EXCISE DIVISIONAL OFFICE, KANNUR.
3. THE STATION HOUSE OFFICER,
THALASSERY POLICE STATION, THALASSERY.

BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.2202 of 2007
.....

Dated this the 18th day of January, 2007.

JUDGMENT

Since vehicle was released to the petitioner on deposit of its value and since petitioner has no objection in appropriating deposit amount towards value of vehicle with interest accrued thereon, the request for surrender of the vehicle is not justified because even if vehicle is surrendered and resold, it will fetch a lesser price. The W.P. is accordingly disposed of directing the respondents to treat the confiscation as notional and allow the petitioner to use the vehicle against recovery of deposit amount and interest accrued thereon towards value of vehicle.

C.N.RAMACHANDRAN NAIR
Judge

pms